IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 5TH JULY 2006 / 14TH ASHADA 1928

Bail Appl..No. 3986 of 2006()

C.R.NO.7/2006 OF PALA EXCISE RANGE

PETITIONER:- ACCUSED:

PONNAMMA, W/O. LATE JOY,
AGED 43 YEARS, KUTTARAPILLY HOUSE, KAROOR KARA,
PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.S.PRASANTH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 3986 of 2006

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Dated this the 5th day of July, 2006

O R D E R

The petitioner is a 43 year old woman. She is a widow. She has two children, one being male and another female. It is submitted by the counsel that the Excise Range Official of Pala has registered C.R.No.7/2006, against this widow under Sections 55(a) and (i) of the Abkari Act, as 15 litres of toddy, which she was selling, on 08/05/2006 at about 5.20 p.m, was seized by them. However, the petitioner could not be arrested. She is, therefore, before me under Section 438 Cr.P.C, praying for a pre-arrest order.

2. I heard the learned counsel for the petitioner, Adv.S.Prasanth and his inimitable submissions. I also heard the learned Public Prosecutor, who placed before me the files relating the occurrence.

3. After considering the materials on record, I direct the petitioner, Ponnamma, to appear before the J.F.C.M, Pala on 11/07/2006 at 11 a.m and move an application for bail,

after serving a copy of the same, to the Assistant Public Prosecutor of the court. The learned Magistrate is directed to hear both sides and pass orders, on the same day itself, in the application.

The application is closed, as above.

(J.M.JAMES)
Judge

ms